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the provisions of the Negotiable Instruments Law have any application, for when a statute makes the instrument void from its inception, the case is properly not one of defective title, but one where no negotiable instrument ever came into legal existence. See 27 HARV. L. REV. 679.

CONFLICT OF LAWS — JURISDICTION FOR DIVORCE — JUDICIAL SEPARATION IN ENGLAND. — An Englishwoman was married to a Spaniard in England. After several years of foreign residence she returned, and at a time when her husband was also in England she filed a petition for judicial separation based on adultery. The husband defended on the ground that his domicile was in Spain. *Held*, that the English court has power to grant the relief. *Riera v. Riera*, 138 L. T. J. 37 (Prob. Div.).

A rather sharp divergence between America and England has come about on the problem whether divorce can be granted the wife by any jurisdiction except that of the husband's domicile. By the prevailing American rule the wife may acquire a separate domicile for the purpose of securing divorce if the conduct of the husband has been such as to justify her action. *Ditson v. Ditson*, 4 R. I. 87. See 15 HARV. L. REV. 66, 28 *id.* 196. But the English courts have adhered to the principle that an actual change in the marriage status can be effected only at the domicile of the husband. See 26 HARV. L. REV. 447. Even in England, however, a deserted wife is allowed to sue at the last previous matrimonial domicile, so as to prevent the husband from asserting his changed domicile for the purpose of profiting by his own wrong. *Deck v. Deck*, 2 Sw. & Tr. 90. And it was further established in a celebrated case that an English court may grant to the wife a judicial separation to protect her from the cruelty of her husband, even though his domicile is foreign. *Armstrong v. Armstrong*, [1898] Prob. 178. This was regarded not as a decree that would in any way affect the marriage status, but rather as a manifestation of the inherent right of the sovereign to bestow personal protection on those within its territory. The principal case seems clearly right in extending this relief to adultery, for it should be open to give needed protection against all abuses of the personal relation between the parties.

CONSTITUTIONAL LAW — PRIVILEGES, IMMUNITIES, AND CLASS LEGISLATION — PERSONAL DISCRIMINATION: JIM CROW STATUTES. — The Oklahoma Separate Coach Law permitted railroads to haul sleeping cars, dining cars, and chair cars for white passengers without providing like accommodations for negroes. In a suit for an injunction to restrain the defendant railroads from furnishing such cars for white passengers only, it was shown that there was no sufficient demand to warrant the railroads in supplying separate Pullmans for negroes. *Held*, that the bill be dismissed as too vague for equitable relief. But the majority of the court intimated that in a proper action the statute would be held unconstitutional. *McCabe v. Atchison, Topeka & Santa Fe Ry. Co.*, 235 U. S. 151.

For a discussion of this new phase of the Jim Crow question which the Supreme Court here considered, see NOTES, p. 417.

CONSTITUTIONAL LAW — TRIAL BY JURY — TRIAL OF CIVIL OFFENDER BY MILITARY COMMISSION. — The governor of Montana declared martial law in a district where rioting was prevalent. The relator was arrested on the charge of resisting an officer and tried and sentenced by a military commission. He sued out a writ of *habeas corpus*. *Held*, that the relator be remanded to await trial before a legally constituted civil tribunal. *Ex parte McDonald*, *In re Gillis*, 143 Pac. 947 (Mont.).

For a discussion of the principles involved, see NOTES, p. 415.